

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 8, 9, 12, 18, 21-24, 33, 37, and 39 are currently being amended.

Claims 40 and 41 are being added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-41 are now pending in this application.

In the August 28, 2006 Official Action, the Examiner rejected claims 11, 23, and 38 under 35 U.S.C. § 112, second paragraph, as being indefinite regarding the term “target.” Applicant traverses this rejection for the reasons set forth below.

The Examiner asserted that the term “target” is not explicitly defined in the specification or implicitly defined through its usage. Applicant respectfully disagrees. In particular, although the term “target” is not explicitly mentioned, Applicant submits that the term is implicitly defined and would be understandable in its context to those of ordinary skill in the art. Throughout the specification, numerous references are made to a device, such as an event handling device 200, transmitting a signal to, for example, a third party. (*See, e.g.*, page 5, paragraph [0019], page 9, paragraph [0033], and page 34, paragraph [0034]). Furthermore, it is understood by those of ordinary skill in the art that signals are generally not created and sent nowhere. On the contrary, signals are generally created for the purpose of sending the signal to some target, such as a target device. Therefore, it is clear that in claims 11, 23, and 38, a signal is sent somewhere for receipt and processing. In addition, the Examiner’s assertion that the term “target” is indefinite is untenable because the Examiner clearly understood its usage enough to render rejections for claims 11, 23, and 38. Therefore, the term “target” is not indefinite, and Applicant respectfully requests the withdrawal of this rejection. If the Examiner still takes issue with the use of this term, he is encouraged to contact the attorney for Applicant so that this issue can be quickly resolved.

The Examiner also rejected claims 1-39 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,009,511 (Mazar et al.) Applicant respectfully traverses the rejection for the reasons set forth below.

The Examiner asserted that Mazar et al. teaches all of the required limitations of independent claims 1, 12, 24, 33, and 39, including an event handling device, transmitter, or machine, receiving a signal, and in turn, transmitting a signal. In response to the Examiner's rejection, Applicant has amended independent claims 1, 12, 24, 33, and 39 to more particularly describe that the receipt of the signal occurs over a first network, while the transmitting of the signal occurs via a second network. As discussed, for example, at paragraphs [0014] and [0019] of the present application, a monitoring device 100 can transmit a first signal to an event handling device 200 via a first network, such as Bluetooth network, while the event handling device 200 can transmit a second signal, or forward the same signal to a third party, such as a medical facility 400, via a second network, e.g., a cellular network 300. Therefore, the various embodiments of the present invention allow for more robust networking and the possibility of utilizing a plurality of distinct networks for communicating between the various elements.¹

Applicant submits that Mazar et al. fails to teach such a feature. Mazar et al. merely teaches utilizing a single network, i.e., communications system 110 or communications network 300, over which all communications between a device 102, a remote peripheral device 109, an interrogator/transmitter unit 108, and host 112 communicate. (*See, e.g.*, Figures 1 and 4). In addition, column 7, lines 27-30 states that:

For example, the ITU 108 can perform a diagnostic loop-back test at a time set by the host 112, which involves sending a request through the communication system 110 to the host 112.

Column 8, lines 49-58 further states that:

Communication system 110 provides for communications between and among the various components of the advanced patient management system 100, such as the devices 102, 104, and 106, host 112, and remote peripheral device 109. FIG. 4 illustrates one embodiment for the communication system 110. The communication system 110 includes a plurality of

¹ In addition, claim 18 was amended for clarification and consistency purposes. In making these amendments, Applicant is not intending to narrow the scope of the claim in any way.

computer systems 304, 306, 308, and 310, as well as device 102, host 112, and remote peripheral device 109, connected to one another by the communications network 300.

It is clear, therefore, that Mazar et al. does not teach or even suggest the use of more than a single communications network. By contrast, independent claims 1, 12, 24, 33, and 39 require that interaction between a monitoring device and an event handling or transmitting device occur via a first network, and that a signal transmitted from the event handling or transmitting device occurs via a second network. Therefore, Mazar et al. fails to teach all of the required limitations of independent claims 1, 12, 24, 33, and 39.

For the above reasons, Applicant respectfully submits that the cited prior art does not teach or suggest each element of independent claims 1, 12, 24, 33, and 39. Therefore, Applicant submits that each of independent claims 1, 12, 24, 33, and 39 are patentable over the cited prior art. Furthermore, because dependent claims 2-11, 13-23, 25-32, 34-38, and 40-41 all directly or indirectly depend upon these independent claims, Applicant submits that these claims are patentable over the cited prior art as well.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for

such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to
Deposit Account No. 50-0872.

Respectfully submitted,

Date: November 28, 2006

By /G. Peter Albert, Jr./

FOLEY & LARDNER LLP
Customer Number: 30542
Telephone: (858) 847-6735
Facsimile: (858) 792-6773

G. Peter Albert, Jr.
Attorney for Applicant
Registration No. 37,268